
City of Reading City Council

Regular Meeting Tuesday, May 27, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Jack Williams, First Century Worship Center.

All present pledged allegiance to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman–Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Councilor J. Waltman, District 6

Mayor T. McMahon
Acting Managing Director R. Hottenstein
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Sergeant at Arms Capt. R. Schaeffer
Public Works Director C. Jones
City Planner A. Miller

PROCLAMATIONS AND PRESENTATIONS

City Council issued commendations to:

- Children's Home Day, accepted by Vincent Lasorsa, Executive Director of the Children's Home.
- Historic Preservation Month, accepted by Historic Preservation Specialist, Amy Johnson
- Historic Preservation Specialist Amy Johnson and Peter Sutliff, Chair of the Architectural Review Board, issued Historic Preservation Awards to property owners representing each of the City's four historic districts.

PUBLIC COMMENT

Council President Spencer announced that there are six city citizens registered to address Council on non-agenda matters. He asked Council if anyone objected to allowing the citizens registered to address Council on non-agenda matters to speak at this point in the meeting. As no one objected, the speaking rule requiring citizens addressing Council on non-agenda matters to speak at the end of the meeting was suspended. Council President Spencer reminded those registered to speak that the remaining speaking rules are still in effect.

Nevin Sturms, of Wunder Street, described the various quality of life problems stemming from resistance of a scrap metal recycling dealer business in his neighborhood. He presented Council with petitions opposing this incompatible commercial business in a residential neighborhood. He listed the various quality of life problems; such as metal debris in the street and sidewalk, noise and traffic problems, caused by the use of front end loaders, and large tractor trailers, etc. He

asked City Council to investigate this issue and take appropriate corrective actions.

Edward Kulp, of Oley, described the various problems landlords have moving forward through the new housing permit process. He suggested that landlords who have no past property maintenance issues be awarded housing permits without going through this process. He also suggested the use of electronic media to streamline the process.

Bernard Michalfki, of South 7th Street, stated that his recent application for a handicapped parking space at his home was denied, due to the double standards applied by the City's criteria. He expressed the belief that having a state issued handicapped tag for their vehicles should be sufficient proof that the applicant is qualified for a handicapped parking space. He stated that his degenerative diseases and prescriptions used to treat his illness cause him great **hardship**. **He asked Council to reconsider the process currently in place to approve handicapped parking spaces in residential neighborhoods.**

Ronald Stufflet, of North Fifth Street, was not present.

Daniel Sodomsky, of Temple, stated that he grew up in Hampden Heights and is a member of the Jewish Community Center. He described the problems and abuses of the Zoning Hearing Board as they considered the rezoning of the parcel owned by the Jewish Community Center. He also noted the misguided application of the hearing rules by the Zoning Hearing Boards Solicitor. He stated that the Zoning Board Solicitor refused to allow him to speak at the hearing when the rezoning of this parcel was being considered by the Zoning Hearing Board, and the Solicitor refused to accept the petitions signed by properties neighboring this parcel at the hearing. He cited various civil rights violations.

Rex Smith, of Olive Street, and representative of the College Manner Swimming Association, noted various objections to the Zoning Hearing Boards approval of school use on the Jewish Community Center property,

which is zoned R1. He announced the College Manner Swimming Association's intent to appeal the Zoning Hearing Boards decision, due to their application of the definition of standing and their lack of proper operating procedures.

THE AGENDA AND THE MINUTES

Council President Spencer called Council's attention to the Agenda for this meeting, including the legislation listed under the Consent Agenda Heading, and the minutes of the May 12, 2008 Regular Meeting of Council.

Councilor Baez moved, seconded by Councilor Fuhs, to approve the Agenda for this meeting, including the legislation listed under the Consent Agenda Heading and the minutes from the May 12, 2008 Regular Meeting of Council. The motion was approved unanimously.

CONSENT AGENDA LEGISLATION

Resolution 60-2008 – authorizing the amendment of the FFY2008 one year Action and the FFY2004 to FFY2008 five year Consolidated Plan to provide \$100,000 in un-programmed CDBG funds for the Phase III renovations to City Park. **(CD Office)**

Award of Contract – 25% NaOH diaphragm grade delivered in bulk and the 50% NaOH diaphragm grade delivered in bulk to North Industrial Chemicals, P.O. Box 1904, York, PA 17405, who is the low bidder, at the submitted unit prices of \$0.993/gallon and \$1.987/gallon respectively. These awards bring the estimated total bid price to \$129,140 **(Purchasing)**

Award of Contract – Grace Industries, 7171 Airport Road, Bath, PA 18014, at a total bid price of \$314,480.00 for various improvements to

the Hampden Park Tennis Courts for the Departments of Public Works and Community Development (**Purchasing**)

Award of Contract – to Maximus, Harrisburg, PA for a user fee study at a total fee of \$74,400. (Purchasing)

ADMINISTRATIVE REPORT

Acting Managing Director Ryan Hottenstein read the report distributed to Council at the meeting, covering the following:

- 2008 Kennel Club Dog Show
- Air quality partnership with the state DEP
- Operation Facelift group work camps sponsored by NHS

Councilor Goodman–Hinnershitz noted the excellence of the Kennel Club event. She stated that she has asked the Administration to investigate the existence of the scrap metal recycling business on Wunder Street and has not yet had a response.

AUDITORS REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- Collection of 2008 Admissions Tax
- Collection 2008 Real Estate Transfer Tax
- The unemployment compensation expenses for 1996 through the first quarter of 2008

Mayor McMahon referred to the real estate Transfer Tax collected from the sale of 2101–225 Hampden Boulevard. City Auditor Cituk replied that \$78,219 was collected from the sale of the Oak Forrest Apartments.

REPORTS FROM BOARDS AUTHORITIES AND COMMISSIONS

City Planner Andrew Miller stated that the Planning Commission works to enforce the City's planning code and the Subdivision and Land Development (SALDO) Ordinance. He noted some examples of projects reviewed and approved by the Planning Commission to date; such as Farley Square, at Garden State Terrace, and the restoration of the façade at the Gilbert Building on Lancaster Avenue. He stated that the Planning Commission's work with the developers improves the City's street scape. He noted the Planning Commission's upcoming review of the Giannasca Riverview Development in southwest Reading.

Mr. Miller stated that the Planning Commission is participating in the rewrite of the City's zoning ordinance and on the Blighted Property Review Committee to assist with the improvement of the City.

Councilor Waltman thanked the Commission for their good management practices that have supported many important projects.

Acting Managing Director Ryan Hottenstein thanked the Planning Commission for their hard work and noted the great effort undertaken by Mr. Miller as the City's sole planner.

Councilor Goodman–Hinnershitz noted the need for Council and Administration to revisit the staffing levels of the planning office to provide for the protection of future development projects. She stated that lack of proper staffing and planning leaves the City at risk.

ORDINANCES FOR FINAL PASSAGE

Bill 37-2008 - empowering the Parking Authority to issue abandoned vehicle reports for all vehicles towed due to parking violations (Parking Authority, Police Chief, Council Staff) *Introduced at the May 12 regular meeting*

Councilor Fuhs moved, seconded by Councilor Marmarou, to table Bill 37-2008.

Bill 37-2008 was tabled by the following vote:

Yea – Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7

Nays – none

Bill 38-2008- authorizing the refunding of the outstanding City of York General Authority Adjustable Rate Pooled Financing Revenue Bonds (City of Reading, PA Project) Sub-series 96-1996 (Finance Dir) *Introduced at the May 12 regular meeting*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 38-2008.

Bill 38-2008 was enacted by the following vote:

Yea – Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7

Nays – none

Bill 39-2008- creating the Reading Local Redevelopment Authority who shall serve in an advisory capacity to the City's governing body regarding the development of a reuse plan for the Naval Marine Reserve Center,

located on Kenhorst Boulevard Avenue, in Council District 1 (**City Council**)
Introduced at the May 12 regular meeting

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill 39–2008.

Councilor President Spencer explained the Department of Defense recently approved the City’s succession to the Local Redevelopment Authority (LRA) which will oversee the redevelopment of the Naval Marine Reserve base, recently decommissioned by the Federal Government.

Bill 39–2008 was enacted by the following vote:

Yea – Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7

Nays – none

Bill 40 – authorizing the execution of a deed, and any other required documents, to convey the premises situate at 400 S. 6th Street from the City of Reading to the Reading Redevelopment Authority. (Solicitor)
Introduced at the May 12 regular meeting

Bill 41- authorizing the execution of a deed, and any other required documents, to convey the premises situate at 401–403 S. 6th Street from the City of Reading to the Reading Redevelopment Authority. (Solicitor)
Introduced at the May 12 regular meeting

Bill 42- authorizing the execution of a deed, and any other required documents, to convey the premises situate at 422 S. 6th Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority. (Solicitor) *Introduced at the May 12 regular meeting*

Councilor Sterner moved, seconded by Councilor Baez, to enact Bills 40, 41, 42–2008.

Councilor President Spencer explained that this list of properties composes the market square property destroyed by fire and demolished last year. He stated that these properties will be transferred to the Reading Redevelopment Authority for economic development purposes.

Bill 40, 41, 42–2008 was enacted by the following vote:

Yea – Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7

Nays – none

Bill 43-2008- amending the Housing Permit Ordinance by reducing the number of Disruptive Conduct Reports needed for the eviction of the tenant(s) and increasing the appeal fee from \$50 to \$75 (**Council Public Safety Committee**) *Introduced at the May 12 regular meeting*

Councilor Marmarou moved, seconded by Councilor Waltman, to table Bill 43–2008.

Bill 43–2008 was tabled by the following vote:

Yea – Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7

Nays – none

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – amending the City of Reading Topographical Map by vacating Lafayette Street, between Pear and North 2nd Streets and vacating Pear Street, between Beech and Lafayette Streets. (**Council Staff**)

Ordinance – amending the Park and Recreation Advisory Committee (PARC) ordinance by adding participation from the United Way, Olivets-PAL and the YMCA and by adding removal provisions (**Public Works Committee**)

RESOLUTIONS

Resolution 61-2008 – reappointing Ruth Epler to the Park and Recreation Advisory Council (**Administrative Oversight & Land Use Committee**)

Resolution 62-2008 – reappointing Jeff Darlington to the Board of Ethics (**Administrative Oversight & Land Use Committee**)

The Administrative Oversight Committee moved to adopt Resolution 61 and 62-2008.

Councilor Marmarou noted the experience and skill of those seeking reappointment to the City's Board Of Ethics and Park & Recreation Advisory Council.

Resolution 61 and 62-2008 were adopted by the following vote:

Yea– Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President–7

Nays – none

Resolution 63-2008 – appointing Adam Wagonseller to the Legislative Aide Committee (**Administrative Oversight & Land Use Committee**)

The Administrative Oversight Committee moved to adopt Resolution 63–2008.

Councilor Baez stated that Mr. Wagonseller’s experience as a Legislative Aide to a Congressman will be of great assistance to the Legislative Aide Committee.

Resolution 63–2008 was adopted by the following vote:

**Yea– Beaz, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President–7**

Nays – none

COUNCIL COMMENT

Councilor Fuhs agreed with the potential conflict between the State’s and the City’s criteria handicapped parking requirements, he asked that this issue be reviewed.

Councilor President Spencer asked Council Staff to gather examples of policies and criteria used for handicapped spaces in other cities and surrounding boroughs and townships.

Councilor Fuhs asked the Administration to enforce the City’s ordinance restricting parking of trucks, tractors, and recreational vehicles in residential neighborhoods.

Mayor McMahon asked Captain Schaffer to handle this matter.

Council Fuhs thanked Councilor Marmarou, Joanne Marmarou, and the Police Beneficial Association’s Board of Director’s work to support the Reading Police Department.

Councilor Sterner thanked all the citizens speaking tonight for bringing their issues to the attention of the City. He asked the Administration to address the problems associated with having a scrap metal recycling dealer in a residential neighborhood. He noted that residential neighborhoods are stressed enough; they don't need the additional pressure caused by incompatible business uses.

Councilor Goodman-Hinnershitz agreed with the need to address problems associated with incompatible businesses located in residential neighborhoods. She stated that over the years some have taken advantage of the City's lack of zoning staff, which places the city in a catch up position.

Councilor Goodman-Hinnershitz noted the dedication of a mural on the 600 block of Franklin Street, on Wednesday at 4:30 pm.

Councilor Baez announced the upcoming community and town meetings scheduled over the next few weeks.

Councilor Marmarou noted the history of the scrap metal recycling dealer on Wunder Street. City Auditor Cituk raised various problems caused by the new facility.

Councilor Marmarou noted the process used to reappoint the Board Authorities and Commissions with expired terms. He stated that those serving with expired terms continue until they are either reappointed or replaced.

Council President Spencer agreed with the need to take a firmer approach to the approval of certain business uses in residential neighborhoods. He noted the extreme hardships the overabundance of mixed uses that has caused in City neighborhoods.

Councilor Waltman explained the housing permit process provides for good landlord having housing permits for 5 years when located in R3

areas, and 10 years when located in R1 or R2 areas. He agreed that the process is somewhat cumbersome as a wealth of information needs to be collected at the outset.

Council President Spencer highlighted the meeting schedule.

Councilor Fuhs moved, seconded by Councilor Goodman–Hinnershitz to adjourn the Regular Meeting of Council.

Linda Kelleher
City Clerk